

0075277 491019 449 mail

Elzie, Teri L

**From:** Zeisloft, James H Jr  
**Sent:** Tuesday, October 19, 1999 4:03 PM  
**To:** 'Tom\_OBrien@r1.fws.gov'; Elzie, Teri L  
**Cc:** 'Barbara Harper'; 'Dan Landeen'; 'Doug Mosich'; 'Jake Jakabosky'; 'Jay McConnaughey'; 'JR Wilkinson'; 'Larry Gadbois'; 'Nick Iadanza'; 'Preston Sleeper'; 'Susan Coburn Hughs'; 'Tom O'Brien'; Zeisloft, James H Jr; Teel, Darci D; Linville, Jenifer K; Elzie, Teri L  
**Subject:** RE: Conference Call to discuss 1100 Area PAS

The message below is interesting and warrants response. As for DOE being in a hurry, we're just trying to do what the NRDA regs. tell us we should be doing within the allowable time period (i.e. a rapid review of available data prior to the expiration of the statute of limitations). Secondly, DOE prepares letters at our discretion (i.e. not on demand). And no, DOE is not completing the PAS without input from the other trustees. In fact, significant trustee input is evident throughout the PAS. Also, this message creates the impression that USFWS is bound and determined to find injury from the residual DDT on ALE, whether such action is warranted or not. Lastly, Migratory Bird Treaty Act pomposity does nothing but exacerbate the situation.

We stand by our position on the ALE DDT. We also hope that rational thinking will prevail, preventing the pending "division amongst the ranks" (which was not really instigated by DOE, as evidenced by prior actions and the USFWS statement below). Consensus is still the best way for us to address Hanford's NRDA issues and we prefer to continue to operate within the council mode.

Jamie

-----Original Message-----

**From:** Tom\_OBrien@r1.fws.gov [SMTP:Tom\_OBrien@r1.fws.gov]  
**Sent:** Friday, October 15, 1999 10:52 AM  
**To:** Elzie, Teri L  
**Cc:** 'Barbara Harper'; 'Dan Landeen'; 'Doug Mosich'; 'Jake Jakabosky'; 'Jay McConnaughey'; 'JR Wilkinson'; 'Larry Gadbois'; 'Nick Iadanza'; 'Preston Sleeper'; 'Susan Coburn Hughs'; 'Tom O'Brien'; Zeisloft, James H Jr; Teel, Darci D; Linville, Jenifer K; Elzie, Teri L  
**Subject:** Re: Conference Call to discuss 1100 Area PAS

I will be available for the conference call. I talked to Chuck Henny yesterday and he said he was working on the review of the 2 reports and I think if we give him sufficient time to complete his review we will have a decision that we can live with as a group. I believe he is doing a through review including looking at all relevant literature and Chuck is probably the most knowledgeable person in the scientific community regarding DDT/DDE impacts. If we give him enough time we may end up with very good answer to our questions about whether the trustees should pursue a damage assessment or if the trustees should take the DOE course of action proposed.

I fail to see what the DOE rush is and I also note that I have not seen in writing a formal letter to either the U.S. Fish and Wildlife Service, the Department of the Interior or any of the trustees that requested it, documenting the decision that DOE has made to complete the 1100 Area PAS with out the trustees input. If the trustees decide not to pursue a damage assessment in concert with DOE that will not change the FWS position that residual DDT contamination is causing injury to migratory birds. The Migratory Bird Treaty Act does not have a provision for unpermitted activities that cause incidental take and if in the future the FWS can prove injury, (reproductive impairment, deformities, death) then remedies under the authority of the MBTA would be pursued with DOE.

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